

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, ' 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Glen-Gery Corporation
Facility Name:	Capitol Plant
Facility Location:	9905 Godwin Drive Manassas, Virginia 20108-0953
Registration Number:	70244
Permit Number:	NVRO70244

January 14, 2000
Effective Date

August 18, 2003
Permit Modified Date

January 14, 2005
Expiration Date

Robert G. Burnley
Director, Department of Environmental Quality

Signature Date

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I. Facility Information

Permittee

Glen-Gery Corporation
P.O. Box 7001
Wyomissing, PA 19610-6001

Responsible Official

Allen Gunn
Plant Manager

Facility

Glen-Gery Capitol Plant
9905 Godwin Drive
Manassas, VA 20108-0953

Contact person

Allen Gunn
Plant Manager
(703) 368-3178

AIRS Identification Number: 51-153-0003

Facility Description: SIC 3251 - Brick and Structural Clay Tile. The facility manufactures brick products utilizing shale and clay mined on site. The materials are processed through a crusher, grinding mill and screening before being extruded and prepared for firing. The bricks are routed through one of five dryers before entering one of three natural gas-fired kilns.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
01	Open air fugitives	Raw material storage piles	---	---	---	---	---
02	Open air fugitives	McClanahan Super Black Diamond 24" x 48" Crusher, Model No. 2448 (Mfg. 1979)	300 tons/hr	---	---	---	---
03	Enclosed in Bldg.	Grinding and Screening	55 tons/hr	---	---	---	---
04	04	Sand Booth	1 ton/hr	United Air Specialists Dust Hog Model SBD-16-2	F-4	TSP , PM ₁₀	---
05 (K-1)	05 (K-1-1)	Allied Engineering Natural Gas Fired Kiln	16.7 tons/hr	---	---	---	---
06 (K-2)	06 (K-2-1)	Allied Engineering Natural Gas Fired Kiln	16.7 tons/hr	---	---	---	---
20 (D-5)	07 (D-5)	Shapes Natural Gas Fired Dryer	0.65 tons/hr	Low NO _x Burner	---	NO ₂	NSR Permit 11/24/00; pages 4,5 & 9 superceded on 1/30/01
22 (SK-1)	08 (SK-1)	Shapes Natural Gas Fired Shuttle Kiln	0.29 tons/hr	Low NO _x Burner	---	NO ₂	NSR Permit 11/24/00; pages 4,5 & 9 superceded on 1/30/01

III. Requirements for Material Handling and Processing (Emission Units 02, 03, and 04)

A. Limitations

1. Particulate matter emissions from the crusher shall not exceed 40 pounds per hour (lbs/hr).
(9 VAC 5-40-270)
2. Particulate matter emissions from grinding and screening operations shall not exceed 40 lbs/hr.
(9 VAC 5-40-270)
3. Particulate matter emissions from the sand booth shall not exceed 4.14 lbs/hr.
(9 VAC 5-40-270)
4. Visible emissions from the crusher, grinding and screening operations, and the sand booth shall not exceed 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the visible emission requirement because of the presence of water vapor shall not be a violation.
(9 VAC 5-40-320 and 9 VAC 5-40-80)

B. Monitoring and Recordkeeping

1. The permittee shall monitor the magnehelic gauge on the sand booth cartridge filter.
(9 VAC 5-80-110 E)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
Particulate Emissions	EPA Method 5
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

IV. Allied Kilns Number 1 and 2 (Emission Units K-1 and K-2)

A. Limitations

1. Emissions from the operation of each Allied Kiln shall not exceed the limits specified below:

Particulate Matter	24.29 lbs/hr	(9 VAC 5-40-270)
Sulfur Dioxide (SO ₂)	32.86 lbs/hr	(9 VAC 5-40-280 B)

2. Visible emissions from each Allied Kiln shall not exceed 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the visible emission requirement because of the presence of water vapor shall not be a violation. (9 VAC 5-40-320 and 9 VAC 5-40-80)

B. Monitoring and Recordkeeping

1. The permittee shall maintain records of the annual amount of natural gas combusted in each Allied Kiln. The content of and format of such records shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years. (9 VAC 5-80-110 E)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations. (9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
Particulate Emissions	EPA Method 5
Sulfur Dioxide	EPA Method 6C
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

V. Shapes Dryer and Shapes Shuttle Kiln (Emission Units 20 (D-5) and 22 (SK-1))

A. Limitations

1. Fired brick production from the Shapes Shuttle Kiln shall not exceed 2,365 tons/year, calculated monthly as the sum of each consecutive twelve month period.
(9 VAC 5-80-110 B)
2. The approved fuel for the Shapes Dryer and Shapes Shuttle Kiln is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 B)
3. Emissions from the operation of the Shapes Dryer and Shapes Shuttle Kiln shall not exceed the limits specified below:

PM-10	0.53 lbs/hr	1.17 tons/yr
Particulate Matter	0.63 lbs/hr	1.37 tons/yr
Nitrogen Dioxide	0.25 lbs/hr	0.53 tons/yr
Carbon Monoxide	0.83 lbs/hr	1.81 tons/yr

(9 VAC 5-50-260)
4. Visible emissions from the Shapes Dryer and Shapes Shuttle Kiln shall not exceed 10% opacity, except for one six-minute period in any one hour of not more than 20% opacity. Failure to meet the visible emission requirement because of the presence of water vapor shall not be a violation.
(9 VAC 5-50-80 and 9 VAC 5-50-290)

B. Monitoring and Recordkeeping

1. The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office. These records shall include, but are not limited to:
 - a. The permittee shall maintain records of the annual production of fired brick from the Shapes Shuttle Kiln, calculated monthly as the sum of each consecutive twelve month period.
 - b. The permittee shall maintain records of monthly emission calculations for the criteria pollutants from the process stack using calculation methods approved by the Air Compliance Manager, Northern Virginia Regional Office to verify compliance with ton/yr emissions limitations in Limitation 3 of this section.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110 E and F)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method
PM-10	40 CFR Part 51 Appendix M, EPA Method 201A
Particulate Emissions	40 CFR Part 60, Appendix A, EPA Method 5
Nitrogen Dioxide	40 CFR Part 60, Appendix A, EPA Method 7E
Visible Emissions	40 CFR Part 60, Appendix A, EPA Method 9
Carbon Monoxide	40 CFR Part 60, Appendix A, EPA Method 10

(9 VAC 5-80-110)

3. The permittee shall furnish written notification to the Air Compliance Manager, Northern Virginia Regional Office the anticipated date of performance tests of the Shapes Shuttle Kiln postmarked at least thirty days prior to such date.
(9 VAC 5-50-50)

VI. Facility-wide Conditions

A. Standards for Visible Emissions

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the visible emissions requirement because of the presence of water vapor shall not be a violation. This standard is applicable to all emission units and activities, excluding the Shapes Dryer and the Shapes Shuttle Kiln, at the Glen-Gery Corporation Capitol Plant.
(9 VAC 5-40-80)

B. Monitoring and Recordkeeping

1. During each day of operation, the permittee shall conduct daily visual emission inspections during daylight hours of the crusher, grinding/screening building, the sand booth cartridge filter exhaust stack, Shapes Dryer stack, and each kiln stack. Visual inspections shall consist of a visual survey of each stack or process emission point, and of the plant-wide fugitive sources, over at least a 2-minute period while the process is operating to identify if there are visible emissions, other than condensed water vapor. If any visible emissions are observed, the source owner or operator shall:
 - a. Verify that the equipment and/or control device causing the visible emissions is operating according to manufacturer's specifications or other site-specific acceptable operating conditions. If the equipment or control device is not operating properly, the permittee shall take corrective action immediately to eliminate excess emissions.
 - b. If the corrective action taken in (a) does not rectify the opacity problem, conduct an opacity test within forty-eight hours of any observed visible emissions using a certified opacity reader in accordance with Method 9 (see Appendix A, 40 CFR 60). If the results of the Method 9 test indicate visible emissions which exceed the allowable opacity standard, the permittee shall conduct a Method 9 test at least once each daylight shift until corrective action successfully rectifies the opacity problem.
(9 VAC 5-80-110 E)
2. The permittee shall maintain a log of all visible emissions observations to identify the following: process unit, observer's name and affiliation, date, observer location, weather conditions, the start and stop times of the observations, and the observation results to include the duration of any observed visible emissions. This log shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110 E)
3. After completing the daily visible emissions observations at a given stack or process emission point for a thirty day period without observing any visible emissions, the permittee may extend the requirement for daily visible emissions observations at that stack or process to a schedule of once per week. The once per week observations shall be conducted in accordance with the procedures and recordkeeping requirements described above. In the event that visible emissions are observed from any given stack or process

emission point, the corrective action procedures and Method 9 testing described in Condition VI.B.1 shall be immediately instituted. After correction of the opacity problem, the permittee shall resume daily visible emissions observations at that stack or process emission point. Once daily visible emissions observations are completed for a thirty day period without observing any visible emissions, a weekly schedule may again be instituted at that stack or process emission point.
(9 VAC 5-80-110 E)

3. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit and to document actual emissions for calculation of emission fees. The content of and format of such records shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office. These records shall include, but are not limited to, maintaining the annual throughput and/or production rates for all processes at the facility. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110 E)

C. Testing

1. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use EPA Method 9 (reference 40 CFR Part 60, Appendix A) to conduct visible emissions evaluations.
(9 VAC 5-80-110)

D. Reporting

1. The permit deviation and failure/malfunction reporting procedures in Conditions IX.E and IX.F of this permit shall be used to report any opacity excursions. In addition, two copies of the test results from any Method 9 tests for determining visible emissions shall be provided to the Air Compliance Manager, Northern Virginia Regional Office of the DEQ within thirty days of conducting the test.
(9 VAC 5-80-110 and 9 VAC 5-20-180)

VII.Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant(s) Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
Quarry	Quarry Operations	5-80-720 B.1	TSP, PM ₁₀	---
Pug Water System	One (1) natural gas-fired boiler	5-80-720 C.2.a	NA	1.68 MMBtu/hr
V	Dryers 1-4 (Waste heat from kilns provide heat. No auxiliary burners)	5-80-720 B.2	VOC	---
AST-2	One (1) 1,000 gallon gasoline AST	5-80-720 B.2	VOC	---

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VIII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
40 CFR Part 60, Subpart OOO	Standards of Performance for Nonmetallic Minerals Processing Plants	The rule establishes particulate and opacity standards for affected units constructed, reconstructed, or modified after August 31, 1983. The Glen-Gery Capitol Plant has been in operation since 1956, and no modifications or reconstructions have occurred subjecting the facility to the NSPS.
40 CFR Part 60, Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984	The rule establishes standards for VOC emissions from affected storage tanks with a storage capacity equal to or greater than 40 cubic meters. The storage tanks at the Glen-Gery Capitol Plant are exempt from the regulation because the storage capacity of each tank is less than 40 cubic meters (10,567 gallons).
9 VAC Chapter 40, Part II, Article 14	Emission Standards for Sand and Gravel Processing Operations and Stone Quarrying and Processing Operations	The rule establishes requirements for stone quarrying operations, and applies to activities including crushers, conveyors, screens, transfer points, discharge points, and storage piles. These standards do not apply to sources located in Air Quality Control Region 7 (e.g. Northern Virginia). Requirements for sources in AQCR 7 are established in 9 VAC Chapter 40, Part II, Article 4.
9 VAC 5 Chapter 40, Part II, Article 37	Emission Standards for Petroleum Liquid Storage and Transfer Operations	The rule establishes standards for VOC emissions associated with petroleum liquid storage and transfer operations. The tanks at the Glen-Gery Capitol Plant are below the exemption thresholds of the rule for size and/or monthly throughput capacity.

Nothing in this permit shield shall alter the provisions of ' 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to ' 114 of the federal Clean Air Act, (ii) the Board pursuant to ' 10.1-1314 or ' 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to ' 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

IX. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable. (9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent with 9 VAC 5-80-80, has been submitted, to the Department, by the Owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-110 D, 9 VAC 5-80-80 B C and F and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.

- c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration, maintenance, and training records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) exceedance of emissions limitations or operational restrictions;
 - (2) excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or
 - (3) failure to meet monitoring, record-keeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
(9 VAC 5-80-110 F)
4. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - b. Maintain an inventory of spare parts.

- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
 - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.
- (9 VAC 5-50-20 E)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit, or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to ' 114(a)(3) and ' 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Northern Virginia Regional Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within fourteen days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Northern Virginia Regional Office, within four daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within fourteen days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

The Shapes Shuttle Kiln shall, upon request of the Department, shut down immediately if its emissions increase in any amount because of a bypass, malfunction, shutdown or failure of the process or its associated air pollution control equipment.

The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.

(9 VAC 5-20-180 and 9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G & L, 9 VAC 5-80-240 and 9 VAC 5-80-260)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is the potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-1320, unless such an increase is authorized by an emission cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
 - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and by 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.
(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C.)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-40-20 and 9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a

reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within thirty days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within thirty days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. For malfunctions that occurred for one hour or more, the permittee submitted to the board by the deadlines described in **Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal

Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

X. State-Only Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states:

9 VAC 5 Chapter 60, Part II, Article 5: Emission Standards for Toxic Pollutants from New and Modified Sources (Rule 6–5).
(9 VAC 5-80-110 N and 9 VAC 5-80-300)